

## Chapter 17

### International Conflict Resolution and Avoidance

#### A. PEACE PROCESS AND RELATED ISSUES

##### 1. Israeli–Palestinian Conflict

During his first year in office, President Barack H. Obama pledged U.S. support for achieving a comprehensive peace between Israelis, Palestinians, and the Arab world. Among other initiatives, the President appointed George J. Mitchell as his Special Envoy to the Middle East and affirmed U.S. support for a two–state solution. In a speech at Cairo University on June 4, 2009, for example, President Obama pledged to work to resolve the Israeli–Palestinian conflict and stressed the parties’ need to fulfill their commitments under the Roadmap for Peace. Excerpts follow from President Obama’s speech, which is available at Daily Comp. Pres. Docs., 2009 DCPD No. 00436, pp. 1–11. *Digest 2003* at 943–47 provides background on the Roadmap.

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For decades . . . there has been a stalemate: two peoples with legitimate aspirations, each with a painful history that makes compromise elusive. It’s easy to point fingers, for Palestinians to point to the displacement brought about by Israel’s founding and for Israelis to point to the constant hostility and attacks throughout its history from within its borders as well as beyond. But if we see this conflict only from one side or the other, then we will be blind to the truth. The only resolution is for the aspirations of both sides to be met through two states, where Israelis and Palestinians each live in peace and security.

That is in Israel’s interest, Palestine’s interest, America’s interest, and the world’s interest. And that is why I intend to personally pursue this outcome with all the patience and dedication that the task requires. The obligations that the parties have agreed to under the road map are clear. For peace to come, it is time for them, and all of us, to live up to our responsibilities.

Palestinians must abandon violence. Resistance through violence and killing is wrong and it does not succeed. . . .

Now is the time for Palestinians to focus on what they can build. The Palestinian Authority must develop its capacity to govern, with institutions that serve the needs of its people. Hamas does have support among some Palestinians, but they also have to recognize they have responsibilities. To play a role in fulfilling Palestinian aspirations, to unify the Palestinian people, Hamas must put an end to violence, recognize past agreements, recognize Israel’s right to exist.

At the same time, Israelis must acknowledge that just as Israel’s right to exist cannot be denied, neither can Palestine’s. The United States does not accept the legitimacy of continued

Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop.

And Israel must also live up to its obligation to ensure that Palestinians can live and work and develop their society. . . .

And finally, the Arab States must recognize that the Arab Peace Initiative was an important beginning, but not the end of their responsibilities. . . . [Editor's note: *See Digest 2007* at 846–47 for discussion of the Arab Peace Initiative.]

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In his speech to the General Assembly on September 23, 2009, President Obama stressed the need “to achieve a just and lasting peace between Israel, Palestine, and the Arab world.” President Obama continued:

The time has come to re-launch negotiations—without preconditions—that address the permanent-status issues: security for Israelis and Palestinians; borders, refugees; and Jerusalem. And the goal is clear: Two states living side by side in peace and security; a Jewish State of Israel, with true security for all Israelis; and a viable, independent Palestinian state, with contiguous territory that ends the occupation that began in 1967 and realizes the potential of the Palestinian people.

President Obama's speech is available at Daily Comp. Pres. Docs., 2009 DCPD No. 00742, pp. 1–9.

On September 24, 2009, representatives of the United Nations, the European Union, the Russian Federation, and the United States, referred to as the Quartet, affirmed their support for efforts to re-launch negotiations to resolve the Israeli–Palestinian conflict. Excerpts follow from the statement the Quartet issued after its meeting on September 24. The full text is available at [www.state.gov/r/pa/prs/ps/2009/sept/129602.htm](http://www.state.gov/r/pa/prs/ps/2009/sept/129602.htm). The statement issued by the Quartet following its June 26 meeting is available at [www.state.gov/r/pa/prs/ps/2009/06a/125433.htm](http://www.state.gov/r/pa/prs/ps/2009/06a/125433.htm).

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. . . [T]he Quartet welcomes the recent meetings between U.S. President Barack Obama, Israeli Prime Minister Benjamin Netanyahu, and Palestinian President Mahmoud Abbas as significant steps toward the re-launching of direct, bilateral negotiations as part of a comprehensive resolution of the Arab-Israeli conflict, on the basis of UN Security Council Resolutions 242, 338, 1397, 1515, 1850, and the Madrid principles. The Quartet reiterates that the only viable solution to the Israeli-Palestinian conflict is an agreement that ends the occupation that began in 1967; resolves all permanent status issues as previously defined by the parties; and fulfils the aspirations of both

parties for independent homelands through two states for two peoples, Israel and an independent, contiguous and viable state of Palestine, living side by side in peace and security. The Quartet reaffirms that Arab-Israeli peace and the establishment of a peaceful state of Palestine in the West Bank and Gaza, on this basis, is in the fundamental interests of the parties, of all states in the region, and of the international community.

The Quartet shares the sense of urgency expressed by President Obama and fully supports the steps ahead as outlined in his statement to the UN General Assembly on September 22. The Quartet calls on Israel and the Palestinians to act on their previous agreements and obligations—in particular adherence to the Roadmap, irrespective of reciprocity—to create the conditions for the resumption of negotiations in the near term. The Quartet urges the government of Israel to freeze all settlement activity, including natural growth; and to refrain from provocative actions in East Jerusalem and calls on the Palestinian Authority to continue to make every effort to improve law and order, to fight violent extremism, and to end incitement.

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The Quartet stresses the urgency of a durable resolution to the Gaza crisis and calls for a solution that addresses Israel's legitimate security concerns, including an end to weapons smuggling into Gaza; promotes the re-unification of Gaza and the West Bank under the legitimate Palestinian Authority; and facilitates the opening of the crossings to allow for the unimpeded flow of humanitarian aid, commercial goods, and persons to and from Gaza, consistent with UN Security Council Resolution 1860. . . .

Recognizing the significance of the Arab Peace Initiative, the Quartet urges regional governments to support the resumption of bilateral negotiations, enter into a structured regional dialogue on issues of common concern, and take steps toward normalization of relations across the region in the context of progress towards peace. . . .

In November and December 2009, White House Press Secretary Robert Gibbs issued two statements reiterating the U.S. position on the status of Jerusalem. On November 17, 2009, Mr. Gibbs stated:

We are dismayed at the Jerusalem Planning Committee's decision to move forward on the approval process for the expansion of Gilo in Jerusalem. At a time when we are working to re-launch negotiations, these actions make it more difficult for our efforts to succeed. Neither party should engage in efforts or take actions that could unilaterally pre-empt, or appear to pre-empt, negotiations. The U.S. also objects to other Israeli practices in Jerusalem related to housing, including the continuing pattern of evictions and demolitions of Palestinian homes. Our position is clear: the status of Jerusalem is a permanent status issue that must be resolved through negotiations between the parties.

See [www.whitehouse.gov/the-press-office/statement-white-house-press-secretary-robert-gibbs-on-jerusalem](http://www.whitehouse.gov/the-press-office/statement-white-house-press-secretary-robert-gibbs-on-jerusalem). In a second statement, dated December 28, Mr. Gibbs reiterated U.S. opposition to new Israeli construction in East Jerusalem. See [www.whitehouse.gov/the-press-office/statement-white-house-press-secretary-robert-gibbs-construction-east-jerusalem](http://www.whitehouse.gov/the-press-office/statement-white-house-press-secretary-robert-gibbs-construction-east-jerusalem). Peace talks had not resumed as of the end of 2009.

## **2. Sudan**

### ***a. Overview***

During 2009 the Obama administration pursued a variety of initiatives to support implementation of the Comprehensive Peace Agreement (“CPA”), signed on January 9, 2005 to resolve the North–South conflict in Sudan, and to end the conflict in Darfur. See *Digest 2005* at 920–28 for background on the CPA. On April 30, 2009, the State Department issued a press statement calling on the parties to the conflict in Darfur

to join the Doha peace talks immediately and to cease all provocations and violent actions in Darfur. An interim ceasefire is within reach, one which will allow the armed movements and the Government of Sudan to achieve a comprehensive solution that includes security, individual compensation, wealth–sharing, respect for land rights and political participation by all the people of Darfur. The United States continues to support the work of United Nations–African Union Joint Chief Mediator Bassolé. The United States further welcomes the Libya–mediated and Qatari–sponsored bilateral talks in Doha between Sudan and Chad as a positive step forward and calls on the two countries to end all support for cross–border violence. The United States stands ready to support peace efforts aimed at ending the conflict in Darfur and promoting regional stability.

See [www.state.gov/r/pa/prs/ps/2009/04/122500.htm](http://www.state.gov/r/pa/prs/ps/2009/04/122500.htm). U.S. views concerning 2009 developments in Sudan are discussed in greater detail in this section.

### ***b. Abyei boundary dispute arbitration***

On July 22, 2009, a five–member arbitral panel established under the auspices of the Permanent Court of Arbitration (“PCA”) issued a final award

in a dispute concerning the boundaries of the Abyei Area of Sudan. The PCA addressed a dispute between the Government of Sudan and the Sudan People's Liberation Movement/Party over whether the Abyei Boundaries Commission ("ABC"), established pursuant to the CPA, had exceeded its mandate in the recommendations it made in the report it submitted to the Sudanese Presidency on July 14, 2005. As the panel explained in paragraph 480 of its award, "the ultimate political objective of delimiting the boundaries of the Abyei Area [is] to determine the residents of the Abyei Area who would be entitled to vote in the 2011 plebiscite on whether the Abyei Area should retain its special administrative status in the north, or whether it should instead be part of the province of Bahr el Ghazal in the south." [fn. omitted]

In a July 22 press release, the PCA announced the panel's finding that the ABC experts did not exceed their mandate in the way they interpreted the task of determining the boundaries of the nine Ngok Dinka chiefdoms transferred in 1905 to be considered as the Abyei Area under the CPA. However, the panel also found that in implementing their mandate, the experts had exceeded their mandate in part because they failed to state sufficient reasons for their conclusions concerning some of the boundaries of the Abyei Area. The panel then defined the boundaries of the Abyei Area. The press release is available at [www.pca-cpa.org/showpage.asp?pag\\_id=1306](http://www.pca-cpa.org/showpage.asp?pag_id=1306), along with the text of the award, the parties' written pleadings, and other written materials. The United States and the European Union issued a joint declaration on July 22, describing the panel's findings as "an important step in the implementation of the Comprehensive Peace Agreement (CPA)" and calling on the parties to the CPA to implement the decision. The declaration, excerpted below, is available at [www.state.gov/r/pa/prs/ps/2009/july/126300.htm](http://www.state.gov/r/pa/prs/ps/2009/july/126300.htm).

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Both parties to the CPA have committed themselves to accept the decision of the Court as final and binding. The United States and the European Union jointly call on both parties to the Comprehensive Peace Agreement (CPA)—the National Congress Party and the Sudan People's Liberation Movement—to immediately implement the decision of the Permanent Court of Arbitration panel in The Hague. Both parties must use their authority and influence to ensure that the Court's decision is respected and peacefully implemented. The US and EU stress the importance of the parties' working together to inform the population of the decision of the Court and to ensure that the rights of persons and communities concerned are fully respected.

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The U.S. and EU stand ready to continue working with all relevant stakeholders to bring peace, stability, and prosperity to Sudan.

### ***c. Agreement between Sudan People's Liberation Movement and National Congress Party***

On August 19, 2009, representatives of the Sudan People's Liberation Movement ("SPLM") and the ruling National Congress Party ("NCP") initialed an agreement on advancing the Comprehensive Peace Agreement ("CPA"). Scott Gration, U.S. Special Envoy to Sudan, facilitated the negotiations and witnessed the action. A State Department press release, dated August 19 and available at [www.state.gov/r/pa/prs/ps/2009/aug/128068.htm](http://www.state.gov/r/pa/prs/ps/2009/aug/128068.htm), provided additional background.

### ***d. New U.S. policy toward Sudan***

On October 19, 2009, representatives of the Obama administration outlined a new U.S. strategy toward Sudan. Secretary of State Hillary Rodham Clinton made opening remarks, excerpted below, followed by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, and Scott Gration, U.S. Special Envoy to Sudan. The full text of the press conference is available at [www.state.gov/secretary/rm/2009a/10/130686.htm](http://www.state.gov/secretary/rm/2009a/10/130686.htm).

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Our strategy has three principal objectives: First, an end to conflict, gross human rights abuses, war crimes, and genocide in Darfur; second, implementation of the Comprehensive Peace Agreement that results in a united and peaceful Sudan after 2011, or an orderly path toward two separate and viable states at peace with each other; and third, a Sudan that does not provide a safe haven for terrorists.

In the past, the United States's approach too often has focused narrowly on emerging crises. This is no longer the case. Our effort sets forth a comprehensive U.S. policy toward Sudan.

First, we view the crisis in Sudan as two-fold: The situation in Darfur remains unresolved after six years. And the Comprehensive Peace Agreement between North and South will be a flashpoint for renewed conflict if not fully implemented through viable national elections, a referendum of self-determination for the South, resolution of border disputes, and the willingness of the respective parties to live up to their agreements. So we are approaching two key issues—Darfur and the Comprehensive Peace Agreement—simultaneously and in tandem.

Second, we are looking to achieve results through broad engagement and frank dialogue. But words alone are not enough. Assessment of progress and decisions regarding incentives and disincentives will be based on verifiable changes in conditions on the ground. Backsliding by any party will be met with credible pressure in the form of disincentives leveraged by our government and our international partners.

Third, we will use our leadership globally to reconstitute, broaden, and strengthen the multilateral coalition that helped achieve the signing of the Comprehensive Peace Agreement, and we will work equally hard to translate international concern about Darfur into genuine international commitments.

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In a background briefing on Sudan on October 19, two senior administration officials responded to a question from the press about the new aspects of the U.S. policy. One official stressed the new policy's "clear elevation of full implementation of the CPA" and the need to achieve progress before the 2011 referendum in Southern Sudan. The officials also elaborated on the types of benchmarks that the United States would examine to assess developments on the ground and determine whether to take additional measures. The official stated:

The kinds of things we're looking for are reduced tensions between Chad and Sudan, for example, improved security on the ground in Darfur, [the] end of aerial bombardment and security operations. A ceasefire, ultimately, is what we're looking for in Darfur, and full engagement of the government with the rebels in Doha and a proposal that the rebels can respond to.

For North-South, we're looking at the referendum law, which we need to see . . . very soon, very urgently. We're looking for final preparations for the elections so it can be free, fair, and credible. And we're looking for other milestones that are critical to full implementation of the CPA, including the boundary—finalizing the boundary area, demarcation and delimitation, so it can be finalized.

The other official stated:

. . . We want to see the resolution of issues related to the census. We want to see national elections occur. And we want the referenda to move forward in accordance with the CPA, which allows the people of the South to determine whether they want to remain a part of Sudan or whether they want their independence. . . .

. . . [I]n the case of Darfur, broadly speaking, we want to see an end to the humanitarian suffering, and we want an end to the political crisis there, which has divided the groups inside of Darfur amongst themselves, as well as with the government in Khartoum. . . .

The full text of the briefing is available at [www.state.gov/p/af/rls/spbr/2009/130696.htm](http://www.state.gov/p/af/rls/spbr/2009/130696.htm).

## B. PEACEKEEPING AND RELATED ISSUES

### 1. Overview

During the Security Council's thematic debate on peacekeeping on June 29, 2009, Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, outlined five U.S. objectives for UN peacekeeping operations. Ambassador Rice's statement, excerpted below, is available at <http://usun.state.gov/briefing/statements/2009/125798.htm>.

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First, we will seek mandates for UN peacekeeping operations that are credible and achievable. We will urge the Council to continue to weigh the full range of responses to a given challenge. Poorly armed and disorganized gangs, rebel groups, and others outside a peace process should not be allowed to thwart a peacekeeping mandate or block a UN deployment. Peacekeepers are often authorized to use appropriate force to defend themselves and fulfill their mandate, including protecting civilians under imminent threat of violence. They must be willing and able to do so.

At the same time, we recognize that UN peacekeepers cannot do everything and go everywhere. There are limits to what they can accomplish, especially in the midst of a full-blown war or in the face of opposition from the host government. Peacekeeping missions are not always the right answer; some situations require other types of UN-authorized military deployments, such as regional efforts or multinational forces operating under the framework of a lead nation. And effective mediation must precede as well as accompany peacekeeping efforts if they are to succeed.

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Second, the United States will intensify diplomatic efforts to give new momentum to some of the stalled or faltering peace processes in areas where UN peacekeeping operations are deployed, starting with Darfur and Sudan's North-South peace process. . . . Successful diplomatic and political efforts are crucial to enabling UNAMID, UNMIS, and MINURCAT to better implement their mandates.

Third, the United States will strengthen its efforts with the UN and other partners to expand the pool of troop and police contributors, for both current and future UN peacekeeping operations. .

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The United States, for its part, is willing to consider directly contributing more military observers, military staff officers, civilian police, and other civilian personnel—including more women—to UN peacekeeping operations. We will also explore ways to provide enabling assistance to peacekeeping missions, either by ourselves or together with partners. Let me single out one immediate priority: we will assist with generating the missing forces and enabling units required for UNAMID, MINURCAT, and MONUC to better protect civilians under imminent threat of physical, including sexual, violence.

We will be open-minded about practical suggestions to deepen consultations among troop and police contributors, the Security Council, and the Secretariat, including redoubling efforts to implement undertakings in Resolutions 1327 and 1353. In these consultations, we should also be clear about what we are asking of troop contributors and what we are willing to do to assist them.

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Fourth, the United States will dedicate greater attention to Security Council discussions on the renewal of existing peacekeeping mandates. We will seek more comprehensive assessments of the progress that has been made and the obstacles that remain. This includes carefully considering the early recovery and peacebuilding activities that enable peacekeeping operations to depart successfully, such as demobilizing and reintegrating former combatants, reforming the security sector, and strengthening the rule of law. . . . But let me be clear: we will not support arbitrary or abrupt efforts to downsize or terminate missions, before their downsizing or termination is warranted.

And finally, the United States will give a careful review of and keep an open mind about reform proposals from the Secretariat, and others . . . .

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At a meeting on peacekeeping on August 5, 2009, the Security Council issued a Presidential Statement, summarizing the Council's efforts during 2009 to improve oversight of peacekeeping operations and identifying issues for additional consideration. U.N. Doc. S/PRST/2009/24. Excerpts follow from Ambassador Rice's statement to the Council, welcoming the Presidential Statement and announcing that the United States would be able to clear its accumulated peacekeeping arrears for 2005 through 2008 and meet in full U.S. obligations for 2009. The full text of the statement is available at <http://usun.state.gov/briefing/statements/2009/august/126908.htm>.

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Adopting today's Presidential Statement will improve peacekeeping operations' chances of success, both now and in the future. In this statement, we have committed ourselves to providing missions with clear, credible, and achievable mandates. We have pledged to think carefully before establishing new missions that may lack the resources needed to get the job done or may have to operate in conditions ill-suited to success. We have resolved to resist the temptation to simply roll over mandates when they expire.

These are important steps. We have agreed to reflect seriously on the progress that has been made and the obstacles that remain to ensure that we can make any necessary adjustments. But as we have noted before, the United States will not support the arbitrary or abrupt downsizing or termination of missions.

Second, this Presidential Statement acknowledges that both the Security Council and the Secretariat must do a better job of consulting with troop- and police-contributing countries, especially when adopting new mandates or renewing old ones. The troop and police contributors bring a wealth of experience to these discussions, and they deserve to have their concerns heard and heeded. This is one of the most important messages we have taken away from discussions in the Council's previous thematic debates, the Council's Working Group on Peacekeeping Operations, and the General Assembly's Special Committee on Peacekeeping Operations.

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. . . [T]he United States is ready to act on both the spirit and the letter of this Presidential Statement and the New Horizon non-paper [prepared by the Departments of Peacekeeping Operations and Field Support in the UN Secretariat]. . . . We also welcome early recommendations from the Secretariat on actions that the Security Council and member states can take to increase the chances that mandates will be successfully implemented and that missions can be drawn down responsibly at the appropriate time.

And finally, while the United States will be appealing to all member states to do more for UN peacekeeping, we're also asking more of ourselves. That includes, importantly, meeting our financial obligations. . . . The United States is now in a position to clear all peacekeeping arrears accumulated from 2005 to 2008 and to meet our obligations in full for 2009—currently estimated at approximately \$2.2 billion.

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## 2. Sexual Exploitation and Abuse by UN Peacekeepers

On July 29, 2009, Ambassador Rice testified before the House Foreign Affairs Committee on “Confronting New Challenges in United Nations Peacekeeping Efforts.” In her testimony and in response to questions from committee members, Ambassador Rice discussed the issue of sexual exploitation and abuse by UN peacekeepers. The transcript of Ambassador Rice’s testimony, excerpted below, is available at <http://usun.state.gov/briefing/statements/2009/july/126840.htm>; Ambassador Rice’s written statement is available at <http://usun.state.gov/briefing/statements/2009/july/126844.htm>. Chapter 6.B.2.b.(2)(i) discusses the U.S.–led resolution concerning women and conflict, Resolution 1888, which the Security Council adopted unanimously on September 30, 2009 (U.N. Doc. S/RES/1888).

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The Administration is also encouraging reform efforts that elevate performance standards and prevent fraud and abuse, including sexual exploitation. The UN has taken several critical steps in recent years to establish and implement a zero-tolerance policy for sexual exploitation and abuse by UN peacekeeping personnel—including establishing a well-publicized code of conduct and creating Conduct and Discipline Units in the field to perform training, carry out initial investigations, and support victims. The Administration strongly supports these measures, and we will remain vigilant to ensure that they are implemented effectively.

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REP. BERMAN: . . . .

. . . Have you any thoughts on . . . whether . . . the UN charter could be amended to hold member states responsible for prosecuting their nationals who commit criminal acts [such as rape],

while serving in an international peacekeeping operation? . . . [I]n the alternative: Should there be an international mechanism—a military tribunal established for these kinds of cases?

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AMB. RICE: . . . [W]e are all deeply concerned about the prevalence of rape as a crime of war. It is not a new phenomenon unfortunately. It is as old as time, but it is particularly egregious and strikingly prevalent in places like the Democratic Republic of Congo . . . It's prevalent in Congo and Liberia, Sudan and elsewhere. And these need to be addressed in a very serious way when they're committed by combatants, as well as by peacekeepers.

Now, I think it's important to note that while there have been some very unacceptable egregious instances of abuse by UN personnel, that is a very small fraction of the problem. The vast majority of peacekeepers . . . are responsible, principled and are contributing to the protection of civilians rather than the alternative. But where abuses occur by peacekeepers there does need to be accountability, which is why we have been so supportive of the UN's zero-tolerance policy, its placement in the field of code of conduct teams that can investigate, that can train and that can enable mission leaders to hold accountable personnel and remove them.

The present circumstance, however, as you know is that every national government, every troop-contributing country is responsible ultimately for the prosecution and the disposition of their own troops in cases of crimes. That is, as you know, a privilege we jealously guard ourselves. And so while I think it is certainly worth considering and exploring what additional . . . international legal mechanisms might be available to ensure that when perpetrators are identified and convicted that they are in fact held accountable, we need to be realistic about what member states are prepared to allow their own personnel to be subjected to in the form of international justice. It's analogous to the debate that we're all familiar with that we've had in this country and elsewhere with respect to the international criminal court . . . And so when you talk about an amendment to the [UN] charter, you're talking about two-thirds of the member states of the General Assembly, ratification by our own Senate and I think it's a high bar, because if we were to sponsor that we would have to be willing to subject ourselves to it.

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AMB. RICE: . . . [W]ith respect to zero tolerance, the UN has taken important steps to implement that on the ground in critical places like Congo and Sudan. We continue to be dismayed by the fact that cases of abuse occasionally still do arise. But the steps that they have taken to investigate, prevent and then hold accountable those who have committed crimes are directionally correct.

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### 3. Georgia

On June 15, 2009, the Russian Federation vetoed a Security Council resolution to extend the mandate of the UN Mission in Georgia ("UNOMIG"). Following the vote, Ambassador Rosemary A. DiCarlo, U.S. Alternative Representative to the United Nations for Special Political Affairs, made a statement to the Security Council expressing regret at the outcome.

Ambassador DiCarlo's statement, excerpted below, is available at <http://usun.state.gov/briefing/statements/2009/125975.htm>. See also the Joint Statement issued by the Group of Friends of the UN Secretary-General, available at [www.state.gov/r/pa/prs/ps/2009/06a/125002.htm](http://www.state.gov/r/pa/prs/ps/2009/06a/125002.htm).

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... The United States deeply regrets the outcome of today's vote on the draft resolution to extend the United Nations Mission in Georgia. The draft resolution would have given the Council time to reach agreement on a new mandate for the UN presence on the basis of the Secretary General's recommendations—recommendations that most Council members have supported. Extending the mandate would have allowed the UN to continue to carry out its role in monitoring the ceasefire, addressing security and humanitarian concerns on the ground, and helping create the conditions for the return of refugees and displaced persons.

Mr. President, we believe that a UN presence in Georgia is important. For this reason, the United States, along with other members of the Friends of the Secretary General for Georgia, have tried over the past two weeks to engage in good faith negotiations.

Regrettably, the Russian Federation could not agree to language in this technical rollover—language that reflects a well-balanced compromise that the Council had reached in its two previous resolutions on this issue. This language served to bridge the differing views among us on the situation in Georgia.

... We will now consider measures to address a Georgia without a UN presence. We will continue to work closely with the leadership of the EU Monitoring Mission and with the co-chairs of the Geneva talks. In the meantime, it is the civilian population that suffers by facing a tenuous security environment without an international presence in Abkhazia, Georgia.

The United States, Mr. President, would like today to reaffirm once again in this chamber its commitment to the territorial integrity and sovereignty of Georgia. The vote today demonstrates that the majority of Council members agree.

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#### **4. Kosovo**

The Security Council met in 2009 to consider reports of the Secretary-General on the United Nations Administration in Kosovo ("UNMIK") and to hear briefings by Lamberto Zannier, the Secretary-General's Special Representative and head of UNMIK. Ambassador Rosemary A. DiCarlo, U.S. Alternative Representative to the United Nations for Special Political Affairs, delivered statements at the Security Council's meetings on March 23 and October 15, excerpted below, expressing support for the reconfiguration and downsizing of UNMIK and stressing the importance of the EU's Rule of Law Mission in Kosovo ("EULEX") and NATO's peacekeeping force in Kosovo. The full texts of the statements are available at <http://usun.state.gov/briefing/statements/2009/march/127981.htm> (March 23), and

*<http://usun.state.gov/briefing/statements/2009/130609.htm> (Oct. 15). See also Ambassador DiCarlo's statement of June 17, available at <http://usun.state.gov/briefing/statements/2009/125971.htm>. *Digest 2008* discusses U.S. participation in EULEX at 439–42.*

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#### March 23

... With the rise of a truly self-governing Kosovo, UNMIK's presence has been substantially reduced, and the European Union has stepped forward as Kosovo's primary international adviser. The United States encourages efforts to reduce further UNMIK's presence in Kosovo in light of these changes.

We welcome the important role of the EU's Rule of Law Mission in Kosovo (EULEX), and note the encouraging progress report EULEX has provided. We are particularly pleased that EULEX police and court officials have deployed and been accepted throughout Kosovo, and that the mission is on track to reach full operational capacity.

The Kosovo Government has, of course, primary responsibility for the rule of law. But we welcome EULEX's efforts to assist the government in exercising these functions. We all share a common goal: seeing the rule of law throughout the territory of Kosovo strengthened and upheld in a uniform, transparent, and professional manner.

For Kosovo's multi-ethnic democracy to succeed fully, the cooperation and active participation of the country's Serbs is simply essential. We hope that EULEX will continue to discuss practical issues—police, justice, and customs—with representatives from Kosovo's Serb community, the Government of Serbia and the Government of Kosovo. We welcome the statements of Belgrade authorities [of their readiness] to cooperate with EULEX and to continue their dialogue with the European Union.

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Security is important and my government commends the continued efforts of NATO in Kosovo—through its peacekeeping force, KFOR, and its assistance in the standing up of the Kosovo Security Force. This new force, with a mandate to handle civil protection, emergency response and removal of explosive ordnances, is open to all of Kosovo's ethnic communities. NATO's supervision of the force will help to ensure that it conducts itself according to the highest standards worthy of a democratic, multiethnic and civilian-controlled security institution.

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#### Oct. 15

... [T]he United States welcomes what the Secretary-General has called a "new phase" for UNMIK. The full deployment of the European Union Rule of Law Mission, EULEX, has enabled UNMIK to reconfigure itself and reduce its responsibilities.

We fully support this transition, which makes EULEX the primary international presence for rule-of-law issues in Kosovo. We welcome EULEX's expanding role in Kosovo, especially in the north of the country. As the Secretary-General states, UNMIK has now refocused its efforts on facilitating practical cooperation among all communities in Kosovo. And we note that both Belgrade and Pristina have adopted pragmatic approaches in resolving some of their outstanding issues.

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. . . [T] he Secretary-General notes that the security situation remains relatively calm in Kosovo. For this reason NATO decided to downsize its peacekeepers to a deterrent presence. But recent security incidents in northern Kosovo highlight the sensitivities and tensions inherent in building a multiethnic society. . . .

The United States condemns the recent vandalism of EULEX vehicles and applauds Kosovo's handling of the incident, including the later arrest and prosecution of the perpetrators. These incidents and others . . . underscore the need for strengthened police cooperation and security for returning displaced persons.

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## 5. Lebanon

As discussed in B.2. *supra*, Ambassador Rice testified before the House Foreign Affairs Committee concerning peacekeeping on July 29, 2009. During her testimony, Ambassador Rice responded to a question from Representative Ron Klein (D-Florida), concerning ways to strengthen the mandate of the United Nations Interim Force in Lebanon ("UNIFIL"). Ambassador Rice's response is excerpted below; the full text of her oral testimony is available at <http://usun.state.gov/briefing/statements/2009/july/126840.htm>.

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. . . UNIFIL is currently limited to a Chapter 6 mandate. And others can provide the history better than I, because this mandate was passed and updated prior to my tenure. But it was a contentious discussion and debate, and there were those who didn't want to give UNIFIL the enhanced capacity that it has today. And so the strengthening of the mandate is an interest that I understand many good people on the Hill share, and we certainly are sympathetic to it. But I don't think, as a practical matter, that we will be able to muster the support in the Security Council that would be necessary to substantially strengthen the mandate. . . .

And we frankly think . . . that on balance the role that UNIFIL is playing adds value rather than the opposite, even as we wish it would be able to do more. It is, in fact, taking active steps to visibly mark the blue line. Forty points along the blue line have been agreed by the parties. Seventeen markers have been installed or are under construction. It is investigating, where it can, consistent with its mandate, violations of 1701, including arms flows. It did not succeed as it went to try to investigate the arms cache that exploded on the 14th of July, not because it lacked the will but because it lacked the strength on the ground to frankly repel and didn't have the mandate to repel with force—

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. . . I don't think anybody could say they're satisfied with UNIFIL in its current capacity. But I think we support it because we think its presence contributes, on balance. It's better than the alternative. Were there no UNIFIL there, there would be no ability to demarcate the blue line, to investigate these abuses, and to provide some eyes and ears on what is transpiring in this very, very sensitive zone.

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## 6. Somalia

During 2009 the Security Council reauthorized the African Union ("AU") peacekeeping operation in Somalia and considered other options, including a UN peacekeeping mission.

On January 16, 2009, the Security Council, acting under Chapter VII of the UN Charter, adopted Resolution 1863, in which it decided to reauthorize for six months the African Union Mission to Somalia ("AMISOM"). U.N. Doc. S/RES/1863. The United States took the lead in drafting and introducing the resolution, which the Council adopted unanimously. The Security Council, as it had done in previous resolutions, authorized AMISOM to take "necessary measures" appropriate to carry out its mission, contained in paragraph 6 of Resolution 1772 (2007) (U.N. Doc. S/RES/1772), to contribute to establishing peace and security in Somalia. The resolution also welcomed the AU's decision to retain AMISOM in Somalia until March 16, 2009, and requested the AU to keep AMISOM there for another six months. Notably, the resolution requested the Secretary-General—"in order for AMISOM's forces to be incorporated into a United Nations Peacekeeping Operation"—to provide a UN logistical support package to AMISOM, including equipment and services but not transferred funds, until June 1, 2009, or a Security Council decision on whether to establish a UN peacekeeping operation in Somalia. The Security Council also expressed its intention to establish a UN peacekeeping mission in Somalia to succeed AMISOM, subject to its further decision on the issue by June 1, 2009.

Ambassador Zalmay Khalilzad, then U.S. Permanent Representative to the United Nations, addressed the Security Council on January 16, following adoption of Resolution 1863. Excerpts below from Ambassador Khalilzad's remarks address the need for a comprehensive approach to address the causes of instability in Somalia, as well as the importance of Somali-led efforts to achieve peace and security in the country. Ambassador Khalilzad's remarks are available in full at

*[www.archive.usun.state.gov/press\\_releases/20090116\\_011.html](http://www.archive.usun.state.gov/press_releases/20090116_011.html)*.

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Somalia is one of the most complex challenges faced by the international community. . . .

. . . We need a comprehensive approach that addresses the root causes of instability in Somalia which include political, economic, humanitarian and security. The resolution adopted today attempts to address these root causes by making a clear commitment that the Security Council will assume its responsibilities with regard to Somalia. The resolution also provides for the United Nations to back up this commitment with concrete logistical support to the forces of the African Union. We intend this support to AMISOM to allow it to continue to provide security for key humanitarian infrastructure in Mogadishu until June 1st, by which date the Council will make a decision on movement towards a UN peacekeeping force.

As we shoulder our responsibility, this resolution makes clear that ultimate responsibility for national reconciliation and stabilization lies with the Somalis themselves. The United States strongly supports the political process led by SRSF Ahmedou Ould-Abdallah and calls on all Somali stakeholders to renounce violence and engage constructively in the formation of a Unity Government in the interest of establishing lasting peace, stability, and effective governance in Somalia. We also attach great importance to the establishment, under the terms of the Djibouti Peace Agreement, of joint Somali security forces, who ultimately will take responsibility for ensuring security in the country.

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On May 26, 2009, the Security Council adopted Resolution 1872, which among other things further renewed AMISOM's mandate and the UN logistical support package for AMISOM until January 31, 2010. U.N. Doc. S/RES/1872. The resolution also recalled the Council's statement of intent to establish a UN peacekeeping force in Somalia. During the rest of 2009, the United States continued to express support for AMISOM and concern about instability in Somalia. In a statement to the Security Council on July 9, 2009, for example, Ambassador Rice stated:

AMISOM is playing an indispensable role in helping to stabilize the security situation on the ground. In particular, we salute the dedication of the Ugandan and Burundian forces. But their bravery alone is not enough. AMISOM needs the support of the UN and its member states to achieve its objectives. This is why the United States continues to support the provision of a UN support package to AMISOM, as approved by this Council in Resolution 1872. My government has also provided more than \$135 million in training, equipment, and logistical support to AMISOM since the mission's creation. But more still must be done. We call on the African Union states to consider sending peacekeepers to this vital mission, and we call on UN member states to extend generous support for AMISOM's activities.



The full text of the statement is available at  
<http://usun.state.gov/briefing/statements/2009/july/125867.htm>.

In her July 29 testimony to the House Foreign Affairs Committee, discussed in B.2. *supra*, Ambassador Rice addressed questions about the situation in Somalia. Excerpts follow from Ambassador Rice's responses, and the full transcript of the hearing is available at  
<http://usun.state.gov/briefing/statements/2009/july/126840.htm>.

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AMB. RICE: . . . We are very concerned, obviously, about the situation in Somalia. We have an enormous stake in the survival of the transitional federal government and in the defeat of Al Shabab and other extremist groups that are affiliated with Al Qaida and are gravely imperiling that transitional federal government. That is why the United States has provided 80 tons of military equipment, including ammunition, to the TFG to support it. That is why we have been the principal supporter of AMISOM in funding its logistic support package. AMISOM is playing a very important role, even within the bounds of its mandates. It is helping to defend the TFG and we think that's vitally important.

With respect to whether it is a circumstance ripe for UN peacekeeping, we think it is certainly a circumstance where we need a credible security support for the government. AMISOM is—has committed to play that role. We think it is the best approach at present because there is a history in Somalia . . . of the United Nations which wasn't entirely a happy one, to put it mildly. There is a tradition of really violent opposition to outsiders of all sorts, and AMISOM has succeeded to a substantial extent in being accepted by the population, particularly in Mogadishu, because it's engaged in medical outreach and support, provision of services to the population. It is not viewed with the same skepticism and hostility that the UN might. Plus, we have just discussed the problem of giving the UN mandates that they can't fulfill, and this is a case where even [AMISOM] is not staffed at its full complement. So to hand that over to the UN, with the current deficit we have in the gaps between the authorized strength in Darfur and Congo and the actual troops available, would only be to exacerbate the problem.

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On October 26, 2009, the Security Council met to discuss the report of the Secretary-General on support to African Union peacekeeping operations authorized by the United Nations (U.N. Doc. S/2009/490). In her statement to the Council, Ambassador Rice noted that the United States had supported, "on an exceptional basis, the use of assessed contributions to support the African Union Mission in Somalia. However, we must stress that that decision was only possible in the unique circumstances of Somalia, and the United States is unable to make a broad commitment to support such arrangements in future operations." The full text of Ambassador Rice's statement is available at  
<http://usun.state.gov/briefing/statements/2009/130928.htm>.

## **7. Sudan**

### ***a. UN/African Mission in Darfur***

During 2009 the United States continued to support the UN/African Mission in Darfur. On January 1, 2009, President George W. Bush issued a Presidential waiver to permit the United States to provide nonreimbursable assistance to UNAMID to support the airlift of equipment for the peacekeeping mission. Presidential Determination No. 2009–10 stated:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 10(d)(1) of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e–2(d)(1)), I hereby determine that provision of assistance to the United Nations/African Union Mission in Darfur to support the airlift of equipment for peacekeeping in Darfur without reimbursement from the United Nations is important to the security interests of the United States.

74 Fed. Reg. 1583 (Jan. 13. 2009).

On November 30, 2009, Ambassador Rice made comments to the press on the Security Council's discussions of UNAMID and the situation in Darfur. Ambassador Rice expressed concern about reports that UNAMID personnel and patrols had been denied freedom of movement and access. Ambassador Rice stated:

. . . These quite directly and seriously contravene the terms in the status of forces agreement that the government of Sudan has committed to. It impedes UNAMID's ability to protect civilians and do its vital work and it is utterly unacceptable, as are the threats by the government of Sudan against UNAMID and its personnel . . .

Ambassador Rice's remarks are available at <http://usun.state.gov/briefing/statements/2009/132756.htm>.

### ***b. UN Mission in Sudan***

During 2009 the United States also continued to support the activities of the UN Mission in Sudan ("UNMIS"). On April 30, 2009, the Security Council unanimously adopted Resolution 1870, which renewed the UNMIS mandate through April 30, 2010. U.N. Doc. S/RES/1870. Ambassador Rice made a

statement after the vote, excerpted below, expressing support for UNMIS. The full statement is available at <http://usun.state.gov/briefing/statements/2009/april/126490.htm>.

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We are very pleased that the Council has unanimously adopted renewal of the UNMIS mandate. The Council's vote reflects its unwavering support for the work [of] the United Nations in southern Sudan. It also reflects the Council's continued belief that full implementation of the Comprehensive Peace Agreement (CPA) is vital to bringing lasting peace to the people of Sudan. After years of conflict and economic deprivation, the citizens of Sudan deserve a future of peace and promise.

The Sudanese people are faced with many challenges. We are concerned about the deterioration of relations between Chad and Sudan. The relationship between these two countries affects peace throughout Sudan. And for this reason we welcome the Qatar and Libyan sponsored bilateral talks in Doha between Chad and Sudan as a positive step forward.

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We fully support UNMIS as it continues its work by helping to implement the CPA, to protect vulnerable citizens, and assist the people of Sudan to achieve a lasting peace.

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## Cross References

*International Criminal Tribunals for the Former Yugoslavia and Rwanda*,  
**Chapter 3.C.2.**

*U.S. views on UN Fact Finding Mission on the Gaza Conflict*, **Chapters 6.A.3.b.**  
**and 18.A.1.b.(1)**

*Women and situations of armed conflict*, **Chapter 6.B.2.b.**

*U.S. legislation addressing issues concerning child soldiers*, **Chapter 6.G.**

*Status of Jerusalem*, **Chapter 9.C.**

*Sanctions to restore peace and security*, **Chapter 16.A.3.**

*Russia/Georgia*, **Chapter 18.A.1.b.(2)**

*Protection of civilians in armed conflict*, **Chapter 18.A.1.d.**